

REMARKS/ARGUMENTS

A revised abstract is appended to this Amendment, per MPEP §608.01(b).

Claims 41-42 have been cancelled, without prejudice.

The 35 U.S.C. § 102 Rejection

Claims 1-20, 22, 24-29, 30-33 and 35-39 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Edgar et al.¹ This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.²

Claims 1, 17, 24, 31, 37 are independent claims with claims 2, 5-8, 10 and 12-16 depending from claim 1; claims 3 and 4 depending from claim 2; claim 9 depending from claim 8; claims 11 depending from claim 10; claims 18, 20, 22 and 23 depending from claim 17; claim 19 depending from claim 18; claims 21 depending from claims 20; claims 25-29 depending from claim 24; claim 30 depending from claim 29; claim 32 depending from claim 31; claims 33-36 depending from claim 32; claim 38 and 40 depending from claim 37; claim 39 depending from claim 38; and claim 42 depending from claim 41.

¹ U.S. Patent 5,848,395

² Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Office Action States:

As per claim 1, Edgar et al disclose (*sic*) method in a computer system for dynamically creating a schedule of timeslot segments for a plurality of routes and timeslots (appointment booking and scheduling system 10), the method comprising: determining from a calendar, a set of possible route types for a selected day and a template identifier (routes 31 contained in table 30 for each day in a predetermined window, see figure 3); based upon the determined set of possible route types, retrieving a set of available route types from a template identified by the template identifier, wherein the available route types are also members of the set of possible route types (offer of possible appointments to customers, see column 2, lines 20-22); for each available route type, determining a set of routes for the selected day (i.e., routes 31); for each set of routes, creating in a data repository a set of schedulable timeslot segments that correspond to the selected day (database 11, see figure 1).³

Applicant respectfully disagrees for the reasons set forth below.

In Edgar, there are no templates. Edgar is directed towards the actual scheduling of appointments. However, claim 1 of the present application is directed towards "[a] method in a computer system for dynamically creating a schedule of timeslot segments for a plurality of routes and timeslots." There is no discussion anywhere in Edgar regarding how routes are initially created, nor how timeslots are generated based on these routes. Edgar merely describes how appointments are made to fill the routes.

Due to the fact that Edgar is directed towards a completely different aspect of scheduling, it does not teach or suggest several of the elements of claim 1. First, there is no template described in Edgar. The Office Action asserts that Fig. 3 of Edgar teaches "determining from a calendar, a set of possible route types for a selected day and a template identifier." However, Fig

³ Office Action, Paragraph 4

3 of Edgar merely shows "a number of tables 30, one for each day in a predetermined window in which appointments may be offered." (See Col. 1, lines 64-66). This is merely a calendar. There is no teaching or suggestion of a template identifier because there is no teaching or suggestion of a template. Edgar only teaches a calendaring tool. As discussed in the present application, page 7, lines 1-5, "[t]he template system provides default scheduling information for each day of the week. The calendar system provides specific information on allowed types of routes for a specific day. The two systems are combined, as discussed further below, to generate a schedule of timeslot segments for a specific day."

Edgar also doesn't teach or suggest "based upon the determined set of possible route types, retrieving a set of available route types from a template identified by the template identifier." As discussed above, there is no template in Edgar. Additionally, the Office Action equates the offer of possible appointments to customers at column 2, lines 20-22 of Edgar with the element "based upon the determined set of possible route types, retrieving a set of available route types from a template identified by the template identifier." However, offering possible appointments is not the same as retrieving a set of available route types, as route types indicate the types of the routes, and appointments would be associated with a time. Additionally, since claim 1 is not directed towards the scheduling of appointments but rather the creating of schedulable timeslot segments, there are no appointments scheduled in claim 1. Hence, offering appointments cannot possibly equate with an element in claim 1. Applicant respectfully submits that claim 1 is therefore in condition for allowance.

Claim 17, 24 and 37 contains similar limitations, and thus applicants respectfully submit that claim 17 should be allowed for the same reasons as claim 1.

With regard to claim 31, the Office Action states:

Edgar et al disclose (*sic*) a method in a computer system for dynamically modifying a schedule for a plurality of timeslots and routes (optimization process, see figure 5), the method comprising: determining a plurality of timeslots for a plurality of routes for a designated time period (allocate jobs to resources for specific times, see column 2, lines 47-49); for a timeslot, creating in a data repository at least one schedulable event (route 31); allocating the schedulable event to an order (start time of route); displaying indications of the plurality of routes, timeslots, and the allocated event (gantt manager interface 15); and in response to receiving an instruction to increase the number of events for the timeslot (i.e. addition of more appointments), creating in the data repository another schedulable event for the timeslot (optimization of job sequence to create new table 30, see column 2, lines 54-56).⁴

Applicant respectfully disagrees for the reasons set forth below.

As described above, Edgar discloses the actual scheduling of appointments. As such, there is no teaching or suggestion of “in response to receiving an instruction to increase the number of events for the timeslot, creating in the data repository another schedulable event for the timeslot.” The Office Action alleges that this element is taught in Edgar by “optimization of job sequence to create new table 30, see column 2, lines 54-46.” However, the optimization of job sequences is not in response to receiving an instruction to increase the number of events for the timeslot. Rather, the optimization is performed in response to a trigger indicating that a set number of appointments has been made (see col. 2, lines 35-53). When the preset number of appointments has been made, the invention in Edgar optimizes the current schedule to reallocate

⁴ Office Action, Paragraph 4

resources such that each region receives an equal amount of whatever free time is available (see col. 2, lines 57-59). There is no teaching or suggestion of performing this in response to receiving an instruction to increase the number of events for the timeslot. Additionally, the job sequence described in this section of Edgar refers to an already scheduled series of jobs. That is not the same as a schedulable event as described in claim 31, which is defined in the specification at page 8, lines 19-25 as being a “placeholder” until actually allocated, at which point it becomes an allocated event. The scheduled series of jobs in Edgar is in fact a schedule of allocated events, not schedulable events.

Accordingly, applicant respectfully submits that claims 31 is in condition for allowance.

As to dependent claims 2-16, 18-20, 22, 25-30, 32-33, 35-36, and 38-39, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The First 35 U.S.C. § 103 Rejection

Claims 21, 23 and 40 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Edgar et al. in view of Ostro,⁵ among which there are no independent claims. This rejection is respectfully traversed. The argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

⁵ U.S. Patent 6,445,976

Claim 34 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Edgar et al. in view of Powell et al.,⁶ among which there are no independent claims. This rejection is respectfully traversed. The argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

Claims 41 and 42 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Edgar et al. in view of Lesaint et al.⁷ among which claim 41 is an independent claims. These claims have been canceled.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Request for Allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.


⁶ U.S. Patent Application 2002/0065700

⁷ U.S. Patent 6,578,005

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,
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Dated: 12/3



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